

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Working Group on Arbitrary Detention; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Ref.: UA OTH 49/2023

(Please use this reference in your reply)

28 April 2023

Dear Mr. van Berkel,

We have the honour to address you in our capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Working Group on Arbitrary Detention; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 43/14, 51/8, 44/15, 44/5, 43/4 and 49/10.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 56 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention, as CEO of Van Berkel en Bos U.N. Studio B.V, information we have received concerning **the imminent risk of execution of three persons and long prison convictions of three others, in the context of alleged persecution of members of the Howeitat tribe.**

Van Berkel en Bos U.N. Studio B.V.

Messrs. Shadly Ahmad Mahmoud Abou Taqiqa al-Huwaiti, Ibrahim Salih Ahmad Abou Khalil al-Huwaiti and Atallah Moussa Mohammed al-Huwaiti, have been sentenced to death. Messrs. Abdelnasser Ahmad Mahmoud Abou Taqiqa al-Huwaiti, Mahmoud Ahmad Mahmoud Abou Taqiqa al-Huwaiti and Abdullah Dakhilallah al-Huwaiti, have been handed severe prison sentences. All are convicted for terrorist acts, which are allegedly baseless, and they are rather being punished for merely voicing their opposition to the forced evictions of the Howeitat tribe, including on social media. Some of them have allegedly been subjected to torture and ill-treatment while in custody, including prolonged solitary confinement, for the purpose of extracting confessions. The six, along with other members of the Howeitat tribe, have been resisting evictions from their homes under the NEOM project, part of the Saudi 2030 Vision. The NEOM project is being implemented allegedly without genuine consultation, free prior and informed consent, and access to effective remedies of the Howeitat tribe, whose members have been threatened with evictions from Al Khuraiba, Sharma and Gayal villages. NEOM is a project of the Saudi Public Investment Fund, which owns 100% of a closed joint-stock company named Neom. A number of international companies, have been allegedly involved in different stages of the development of the Neom Project.

Reference is made to the previous communication (AL SAU 11/2020) sent by special procedures mandate holders to the Government of Saudi Arabia, concerning the alleged arbitrary killing of Mr. Abdul Rahim bin Ahmed Mahmoud Al Huwaiti on 13 April 2020, who had been protesting evictions carried out in Al Khuraiba village, due to the NEOM project. The Special Rapporteurs raised concern about the forced eviction of the Howeitat tribe, of which they were informed on 1 January 2020, as well as the raiding of the homes of residents opposing the eviction by members of the Saudi Special Forces in March 2020.

According to the information received:

Persecution of Howeitat tribe members resisting the NEOM project

Members of the Howeitat tribe who have resisted their forced eviction and voiced their opposition to the NEOM project have been declared terrorists, accused of posing a threat to national security. Since 2017, at least 47 members of the Howeitat tribe have been arrested and detained, and many of them are being prosecuted under the 2017 Law on Combatting Terrorism Crimes and its Financing. At least 3 persons have been sentenced to death and are facing an imminent threat of execution, while at least 3 others have been handed severe prison sentences. There is allegedly no factual basis for the terrorism charges against them, and instead they have been singled out due to voicing their opposition against the forced evictions of the Howeitat tribe.

The case of Mr. Shadly al-Huwaiti

On 24 November 2020, Mr. Shadly al-Huwaiti was arrested at his family farm by the General Directorate of Investigations (GID) and the Special Emergency Forces. He was allegedly not presented with an arrest warrant at the time of arrest, nor provided with any information related to the reasons for his arrest. After his arrest, Mr. Shadly al-Huwaiti was transferred to the al-Tarrfiyyah prison in al-Qasim and subsequently charged with having the “intention of destabilising the security and stability of the society and the State” as well as “supporting people with a terrorist ideology who seek to disturb public order and endanger its national unit.” He was then transferred to the Dhahban prison in Jeddah, which is run by the Saudi Presidency of State Security (SSP).

It is alleged that, while detained, Mr. Shadly al-Huwaiti was subjected to acts of torture and ill-treatment as a means of coercing a confession, including beatings, electrocutions, being forced to stand on one leg in the sun all day, sleep deprivation, denial of access to medical care and prolonged solitary confinement. Additionally, following his arrest Mr. Shadly al-Huwaiti was allegedly denied access to legal representation for three months and contact with his family for four months.

On 5 August 2022, Mr. Shadly al-Huwaiti was sentenced to death by the Specialised Criminal Court (SCC). The sentence was then upheld by the Specialised Criminal Court of Appeal (SCCA) on 23 January 2023.

The case of Mr. Ibrahim al-Huwaiti

Mr. Ibrahim al-Huwaiti was arrested in early November 2020. He was charged with having the “intention of destabilising the security and stability of the society and the state” as well as using social media to harm national unity.

On 5 August 2022, he was sentenced to death by the SCC. The sentence was upheld by the SCCA on 23 January 2023.

The case of Mr. Atallah al-Huwaiti

On 4 January 2021, following news reports that some Howeitat protesters had been designated as ‘terrorists’ by the authorities, Mr. Atallah al-Huwaiti handed himself over to the *Mabahith* office in Jeddah and was subsequently arrested. He was later transferred to the GID prison in Tabuk and then to al-Tarrfiyyah prison in al-Qasim. While detained, it is reported that he was held in solitary confinement and subjected to torture as a means of coercing him to confess that he, along with other members of the Howeitat tribe, had the “intention of destabilising the security and stability of the society and the State.”

Along with Mr. Shadly al-Huwaiti and Mr. Ibrahim al-Huwaiti, Mr. Atallah al-Huwaiti was sentenced to death by the SCC on 5 August 2022, which was then upheld by the SCCA on 23 January 2023.

The case of Mr. Abdelnasser al-Huwaiti

On 18 October 2020, Mr. Abdelnasser al-Huwaiti was arrested by the GID and Special Emergency Forces while en route to Dibba Hospital. Following his arrest, Mr. Abdelnasser al-Huwaiti was transferred to the Mabathith prison in Tibuk, where he remained for approximately one month, before being transferred to the SSP-run Dhahban prison in Jeddah.

It is reported that, while detained, he was held in solitary confinement for four months and subjected to psychological and physical acts of torture allegedly as a means of coercing a confession to the charges brought against him. Such charges include inciting public opinion against the Crown Prince and committing a terrorist offence.

Following an initial hearing in July 2022, and four subsequent hearings, Mr. Abdelnasser al-Huwaiti was sentenced to 27 years imprisonment by the SCC.

The case of Mr. Mahmoud al-Huwaiti

On 24 November 2020, Mr. Mahmoud al-Huwaiti was arrested, alongside Mr. Shadly and Mr. Abdullah al-Huwaiti, while on his family's farm in the al-Khuraiba region. Mr. Mahmoud al-Huwaiti was first taken to the GID prison in Tibuk before being transferred to the SSP-run Dhahban prison in Jeddah. During this time, Mr. Mahmoud al-Huwaiti was allegedly subjected to acts of psychological and physical torture, including being held in solitary confinement for a period of six months.

It is reported that Mr. Mahmoud al-Huwaiti was charged with inciting public opinion and harming national unity in relation to concerns raised regarding the NEOM project and the reported forced eviction of the Howeitat tribe. Mr. Mahmoud al-Huwaiti was also charged with being in possession of a photo of a "dead terrorist" – in this case, his brother, Abdul Rahim al-Huwaiti, who was the subject of the above mentioned earlier communication (AL SAU 11/2020).

Following an initial hearing in July 2021, and four subsequent hearings, Mr. Mahmoud al-Huwaiti was sentenced to 35 years in prison for terrorism-related charges.

The case of Mr. Abdullah al-Huwaiti

Mr. Abdullah al-Huwaiti, a former employee in the municipality of Al Khuraiba, was arrested by SSP agents on 24 November 2020 alongside Mr. Shadly and Mr. Mahmoud al-Huwaiti.

The charges against Mr. Abdullah al-Huwaiti include: (a) defaming the symbols of the State with the intent of destabilising the security of society

amounting to an act of terrorism; (b) providing assistance to those who seek to disturb public order and destabilise the security of society and the stability of the state by following their online accounts and providing them with information affecting the security of the homeland through well-known social networking sites; (c) possessing a machine gun without a license; (d) inciting others to carry out terrorist acts; and (e) spreading rumours through his writings and social media.

On 31 January 2022, Mr. Abdullah al-Huwaiti was sentenced by the SCC to 16 years in prison. The sentence was increased to 50 years on appeal in September 2022.

The NEOM Project

NEOM is one of the Saudi 2030 Vision projects described as an accelerator of human progress that will embody the future of innovation in business, liveability and sustainability. It aims at developing a planned 170-km long linear smart city, called The Line, which will be home to 9 million people, in Tabuk Province in northwestern Saudi Arabia, which will be powered by renewable energy sources. NEOM is a project of the Saudi Public Investment Fund which owns 100% of a closed joint-stock company named Neom. A number of international companies have been allegedly involved in different stages of the development of the Neom Project, including Aecom, Aedas Limited, Air Products and Chemicals Inc, Bechtel Global Corporation, Boston Consulting Group, Bureau Proberts, China State Construction Engineering Corporation, FCC Construction SA, Hyundai Engineering and Construction Co. Ltd., Keller, Laboratory for Visionary Architecture, McKinsey & Co, Morphosis, Oliver Wyman LLC, Samsung C&T Corporation, Solar Water, Van Berkel en Bos U.N. Studio B.V, and Zaha Hadid Architects.

The acquisition of land for the NEOM Project has threatened to displace an estimated 20,000 members of the Howeitat tribe from the villages of al Khuraiba, Sharma and Gayal, who have lived in the northwest Tabuk region for centuries, without genuine consultation, their free, prior and informed consent, and without effective access to remedies.

During the initial stages of the project, local residents were assured that they would be involved in the development process; however, in January 2020, the residents of al Khuraiba, Sharma and Gayal villages were informed that they must leave their land or face eviction. A large portion of the Howeitat tribe have refused to vacate and as a result have faced various forms of persecution, including destruction of property, interruptions in the provision of electricity, unexplained fires, job relocation, harassment, threats and kidnappings. Nevertheless, they have continued to publicly oppose the evictions through campaigns, petitions and social media broadcasts.

Saudi authorities have allegedly offered financial incentives to government-appointed tribal sheikhs and other community leaders on the condition that they condemn resistance to the NEOM project. During a meeting with the

Tabuk emirate, these same officials are said to have been offered between 100,000 (US\$26,653) and 300,000 (US\$79,960) Saudi riyals to organise an event at which they would condemn the actions of Abdul Rahim al-Huwaiti and other protesters.

While some residents are prepared to move, the authorities have rejected their requests to be resettled in nearby villages and have instead offered compensation to those willing to relocate to more remote parts of the country. However, the compensation policy is seemingly inconsistent and has been unequally applied, with some residents reportedly offered 620,000 Saudi riyals (US\$165,000) and others as little as 17,000 Saudi riyals (US\$4,500). Persons that accept any form of compensation are required to sign waivers absolving the government of any charge of forced displacement.

The majority of those displaced have resettled between Tabuk and Duba, yet they remain at risk of further displacement. In July 2022, the residents of Maqna, a coastal village inhabited by members of the Howaitat, Bani Attia and Juhayna tribes, were deported to the cities of Haql and Tabuk. In these larger cities, many have been forced to live in poorer neighbourhoods due to the inadequate compensation received for their expropriation due to the NEOM project.

While we do not wish to prejudge the accuracy of these allegations, we express serious concern at the allegations and call on your company to take all necessary measures to ensure that the rights of those voicing their protest against the planned forced evictions under the NEOM Project are being respected.

We would like to underline that your company and its affiliates should act in accordance with "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework", endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011, and respect human rights by "(a) avoiding causing or contributing to adverse human rights impacts through their own activities, and addressing such impact when they occur; and (b) seeking to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts." (Guiding principle 13).

As set forth in the United Nations Guiding Principles, "[i]n order to meet their responsibility to respect human rights, business enterprises should have : (a) a policy commitment to meet their responsibility to respect human rights; (b) a human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights; (c) processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute".

While the Government of Saudi Arabia is ultimately responsible for ensuring that members of the Howaitat tribe who have been resisting their evictions under the NEOM project are not persecuted in violation of national and international human rights law frameworks, business enterprises such as your company also have an independent responsibility to respect all human rights of the affected communities and

protestors.

The United Nations Guiding Principles require that business enterprises involve meaningful consultation with potentially affected groups and other relevant stakeholders. Assessments of adverse human rights impacts should be conducted at regular intervals, including prior to major decisions (e.g., a decision to expand production) or changes in the operation; in response to or anticipation of changes in the operating environment (e.g. rising social tensions) (guiding principle 18). In addition, the guiding principle 19 notes that business enterprises should prevent and mitigate adverse human rights impacts and take appropriate action in this regard. The Commentary on this Principle notes that “if the business enterprise has leverage to prevent or mitigate the adverse impact, it should exercise it”. Furthermore, the Guiding Principles also note that in order for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted (guiding principle 29). One of the purposes behind this provision of this is to make it possible for grievances, once identified, to be addressed and for adverse impacts to be remediated early and directly by the business enterprise, thereby preventing harms from compounding and grievances from escalating.

In addition, we wish to express our serious concern about the forced eviction and displacement of the Howeitat residents of Al Khuraiba, Sharma and Gayal villages due to the NEOM project without genuine consultation, free prior and informed consent, effective access to redress and remedies, and adequate compensation. The right to adequate housing enshrined in art. 25(1) of the UDHR guarantees the right to live somewhere in security, peace and dignity, and to possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.¹ We wish to recall that the former Commission on Human Rights earlier affirmed that the “practice of forced eviction constitutes a gross violation of human rights.” (resolution 1993/77). Similarly, the Committee on Economic, Social and Cultural Rights has declared² that forced evictions are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law.³ Furthermore, a number of procedural protections apply in relation to forced evictions, including an opportunity for genuine consultation with those affected; adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; and provision of legal remedies.⁴

CESCR General Comment N.24 (2017) also states that “extraterritorial obligation to protect requires States Parties to take steps to prevent and redress infringements of Covenant rights that occur outside their territories due to the activities of business entities over which they can exercise control, especially in cases where the remedies available to victims before the domestic courts of the State where the harm occurs are unavailable or ineffective”.

¹ Committee on Economic, Social and Cultural Rights, General Comment No. 4

² Ibid.

³ UN Commission on Human Rights, E/CN.4/RES/1993/77 (10 March 1993) para. 1.

⁴ Committee on Economic, Social and Cultural Rights, General Comment No. 7

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Company to respect the rights of the above-mentioned persons, as well as communities affected in the context of the NEOM project, in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to whether your company has undertaken human rights due diligence steps, as set out in the United Nations Guiding Principles on Business and Human Rights, to identify, prevent, mitigate, and account for human rights abuses caused by or contributed to through your own activities, or directly linked to your operations, products or services by your business relationships. This includes the exercise of adequate oversight and human rights due diligence to business partners and any other non-State or State entity directly linked to your business operations, products or services in order to prevent and mitigate impact on the enjoyment of human rights of communities affected by the Neom project, including the obligation to obtain the free, prior and informed consent of indigenous peoples prior to the approval of business activities affecting their land use.
3. Please explain what monitoring and evaluation systems your company has in place to ensure the effectiveness of human rights due diligence steps taken to mitigate and prevent human rights abuses, including forced evictions, as described in this letter and other related human rights violations, throughout your business operations, products or services.
4. Please explain what measures have been adopted to ensure that staff of your company as well as your business partners have adequate awareness, knowledge and tools to identify and report human rights abuses, including those alleged in the present letter, throughout your operations, products or services.
5. Please explain what concrete steps have been taken by your company to exercise leverage, in line with the UN Guiding Principles on business and human rights, in your business relationships to prevent and mitigate human rights abuses committed in relation to the Neom project.
6. Please provide information on whether your company has reported any such alleged human rights abuses in the present letter to relevant authorities, including in countries where your company is incorporated or domiciled. Moreover, what steps has your company taken, or is

considering to take, to avoid potential complicity in such alleged business related human rights abuses.

7. Please advise how your company provides for, or cooperates in the remediation of adverse impact on human rights. This may include establishing or participating in effective operational-level grievance mechanisms.
8. Please provide information, if any, on cooperation your company may have had with civil society actors, including those working outside of Saudi Arabia, and/or relevant State authorities to ensure that your company's grievance mechanism are aligned with the UN Guiding Principles on business and human rights to address such business related human rights abuses.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your company will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please be informed that a letter on this subject matter has been also sent to Saudi Arabia, to those business enterprises that are involved in the Neom project, including Aecom, Aedas Limited, Air Products and Chemicals Inc, Bechtel Global Corporation, Boston Consulting Group, Bureau Proberts, China State Construction Engineering Corporation, FCC Construction SA, Hyundai Engineering and Construction Co. Ltd., Keller, Laboratory for Visionary Architecture, McKinsey & Co, Morphosis, Neom Company, Oliver Wyman LLC, Samsung C&T Corporation, the Saudi Public Investment Fund, Solar Water, and Zaha Hadid Architects, as well as to the home-States of all involved companies Australia, China, Germany, The Netherlands, Republic of Korea, Spain, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Please accept, dear Mr. van Berkel, the assurances of our highest consideration.

Balakrishnan Rajagopal
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Matthew Gillett
Vice-Chair of the Working Group on Arbitrary Detention

Pichamon Yeophantong
Chair-Rapporteur of the Working Group on the issue of human rights and
transnational corporations and other business enterprises

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental
freedoms while countering terrorism